

### REMARKS

In response to the Final Office Action mailed February 10, 2009, Applicant respectfully requests reconsideration. Claims 1, 3-10 and 12-15 were previously pending. No claims are amended, added, or cancelled herein. Therefore, 1, 3-10 and 12-15 remain pending, with claims 1 and 9 being independent. No new matter has been added.

#### Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1, 3-10, and 12-15 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,925,631 (Golden), in view of U.S. Patent No. 7,089,533 (Vosburgh), in further view of U.S. Patent No. 7,096,224 (Murthy) and in further view of U.S. Patent No. 7,089,567 (Girardot). This rejection is respectfully traversed, as a limitation in each of the independent claims is not taught by the prior art relied upon in rejecting the claims.

#### Independent Claim 1

Independent claim 1 is directed to a method for parsing XML data. Claim 1 recites “creating a parser to pre-parse XML source data, the parser including a parsing agent, the parsing agent *automatically generating a parsing state machine* in accordance with the XML element names defined in the parsing map.”

The Office Action concedes that Golden and Murthy do not show automatically generating a parsing state machine. However, the Office Action asserts that Girardot discloses this feature. Applicant respectfully disagrees.

In responding to Applicant’s previous argument that Girardot does not teach how the parsing state machine is generated (page 9 of the Office Action), the Office Action cites col. 11, lines 51-65 of Girardot as purportedly teaching how the parsing state machine is generated. Applicant disagrees. The passage describes a parser designed to work using standard APIs, i.e., the DOM API and SAX API. Girardot goes on to make clear that the APIs do not build the parser, but that “the parser is a utility which sits as a thin layer below the API” as shown in FIG. 3 (col. 12, lines 13-15). “The parser parses the document and presents it in a format consistent with the API it implements” (col. 12, lines 15-17). Girardot is entirely silent on how the parser is generated, and certainly does not teach or suggest “*automatically generating a parsing state machine.*”

The Office Action also cites column 7, lines 37-64 and column 12, lines 58-67 as purportedly teaching this feature. The first passage, column 7, lines 37-64, describes the states of the state machine shown in FIG. 1A and when transitions between the states are made. The second passage, column 12, lines 58-67, describes a SAX parser that implements a SAX API. These passages also fail to teach or suggest “automatically generating a parsing state machine.” The first passage describes a specific state machine but is silent on how it is generated. The second passage states that the SAX parser is designed to implement an SAX API, but also fails to teach or suggest “automatically generating a parsing state machine.”

Even if the Examiner were correct that the cited sections teach something about how the parser state machine is generated, it clearly does not teach automatic generation as required by the claims. Significantly, in responding to Applicant’s argument that Girardot does not disclose automatically generating the state machine, the Office Action ignores that automatic limitation and asserts that the disclosure “would accurately read upon the method step of generating a parsing state machine in accordance with XML element names defined in the parsing name” (Office Action, page 9). Claim 1 requires more than generating a parsing state machine – it requires that it be automatically generated by a parsing agent. A word search reveals that Girardot does not mention “automatically” anywhere in the specification. As Girardot does not explicitly disclose automatically generating a parsing state machine as claimed, the rejection would only be proper if those features were inherently disclosed. However, the incredibly high standard for establishing inherency is clearly not met

To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is *necessarily present* in the thing described in the reference and that it would be so recognized by persons of ordinary skill. *Inherency, however, may not be established by probabilities or possibilities.* The mere fact that a certain thing may result from a given set of circumstances is not sufficient. (Emphasis added.) MPEP §2112(IV)

Because Girardot fails to show “automatically generating a parsing state machine” as claimed, it necessarily follows that Girardot also fails to show a “parsing agent automatically generating a parsing state machine in accordance with the XML element names defined in the parsing map” as required by claim 1.

Even if one skilled in the art would have been motivated to combine the teachings of Girardot, Murthy, Vosburgh, and Golden, the combination would not have yielded the claimed invention. None of prior art references of record, alone or in combination, teach or suggest “creating a parser to pre-parse XML source data, the parser including a parsing agent, the parsing agent automatically generating a parsing state machine in accordance with the XML element names defined in the parsing map.”

In view of the foregoing, it is respectfully asserted that claim 1 patentable distinguishes over the prior art of record, such that the rejection of claim 1 should be withdrawn. Claims 3-8 depend from claim 1 and are patentable for at least the same reasons. Therefore, it is believed to be unnecessary to discuss the further distinguishing features of the dependent claims, but the Applicant reserves the right to do so in the future.

#### Independent Claim 9

Claim 9 is directed to a computer system for parsing XML data. Claim 9 recites, *inter alia*, “a parsing agent, the parsing agent automatically generating a parsing state machine in accordance with the XML element names defined in the parsing map.”

This limitation clearly distinguishes over the cited references. The Office Action does not even address this specific limitation, and for that reason alone the rejection is improper. Moreover, it should be clear from the discussion above related to claim 1 that Girardot fails to satisfy this limitation of claim 9.

Thus, even if one skilled in the art would have been motivated to combine the teachings of Girardot, Murthy, Vosburgh, and Golden, the combination would not have yielded the claimed invention. None of prior art references of record, alone or in combination, teach or suggest “a parsing agent, the parsing agent automatically generating a parsing state machine in accordance with the XML element names defined in the parsing map.”

In view of the foregoing, it is respectfully asserted that claim 9 patentable distinguishes over the prior art of record, such that the rejection of claim 9 should be withdrawn. Claims 10 and 12-15 depend from claim 9 and are patentable for at least the same reasons. Therefore, it is believed to be unnecessary to discuss the further distinguishing features of the dependent claims, but the Applicant reserves the right to do so in the future.

General Comments on Rejections of Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicant believes that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicant does not, however, necessarily concur with the interpretation of any dependent claim as set forth in the Office Action, nor does Applicant concur that the basis for the rejection of any dependent claim is proper. Therefore, Applicant reserves the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. M1103.70546US00.

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Respectfully submitted,

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